

Town of Amherst
Zoning Board of Appeals
SPECIAL PERMIT

The Amherst Zoning Board of Appeals hereby grants a Special Permit, ZBA FY2015-00009, to Structurally alter and enlarge a pre-existing non-conforming (as to rear yard setback) detached garage by adding a second floor, at 124 High Street (Map 11D, Parcel 124, R-G Zoning District), subject to conditions:

1. The renovation and expansion of the existing three car garage shall be completed substantially in accordance with the undated plans prepare by Stephen Schreiber, FAIA:
 - a. The footprint of the structure shall remain as shown on the existing conditions survey, prepared by Harold Eaton Associates, dated April 16, 2002
 - b. The siding material shall be a blue composite clapboard material to match the existing dwelling.
 - c. Flush mounted solar panels are acceptable under this approval. Panels substantially raised off the roof structure shall be subject to review under Condition # 3.
2. The use of the second floor shall be for storage, as shown on the approved architectural plans. Changes in use of the space shall be subject to the relevant provisions of the Zoning Bylaw and Building Code.
3. Any minor changes to the approved plans shall be reviewed and approved by the Zoning Board of Appeals at a public meeting. Any substantial changes shall require modification of this Special Permit.

Eric Beal 
Eric Beal, Chair
Amherst Zoning Board of Appeals

11/26/14
DATE

Town of Amherst
Zoning Board of Appeals - Special Permit

DECISION

Applicant/Owner: Andrea Tulenko & Jeffrey Catlin, 124 High Street, Amherst, MA 01002

Date application filed with the Town Clerk: August 14, 2014

Nature of request: To structurally alter and enlarge a pre-existing non-conforming (as to rear yard setback) detached garage by adding a second floor

Address: 124 High Street (Map 11D, Parcel 124, R-G Zoning District)

Legal notice: Published on August 27, 2014 and September 3, 2014 in the Daily Hampshire Gazette and sent to abutters on July 23, 2014

Board members: Eric Beal, Tom Ehrgood, Mark Parent

Staff members: Jeff Bagg, Senior Planner, Rob Morra, Building Commissioner

Submissions:

- Application form filed with the Town Clerk on August 14, 2014
- Existing conditions survey, prepared by Harold Eaton Associates, dated April 16, 2002
- Undated elevations and floor plans, prepared by Stephen Schreiber, FAIA
- Structural Engineer Report, dated July 18, 2014
- Building Commissioner email to architect, dated May 30, 2014
- Existing conditions photographs (x8), taken by Town staff

Site Visit: September 8-10, 2014

The Board members viewed the site independently. The location of the existing garage at the rear of the property was observed.

Public Hearing: September 11, 2014

The applicant's Andrea and Jeffrey Tulenko-Catlin were accompanied by their architect, Stephen Schreiber. The project was described in terms of the submitted plans, summarized as follows:

- The property owners are participating in the Solar Amherst program and would like to install solar panels on both the single family house and garage.
- The existing roof of the garage runs north/south and the proposal includes reorienting the roof to east/west to enhance the solar gain. The existing roof is in poor condition so it will be removed. Being aware of the need to remove and rebuild the roof, the plan also includes raising it to create a second floor space over the garage.
- As shown on the plans the height of the existing roof peak is 19 feet. The proposed new roof peak will be 27 feet. It was noted that Section 6.17 of the Zoning Bylaw was recently changed to measure roof height to the mid-point for gable roofs.
- The footprint of the garage is not proposed to change. As such, the structure will maintain the existing rear yard setback of 6.5 feet (southwest corner) and 7.8 feet (northwest corner) as shown on the survey.

- The garage will be finished with blue composite clapboard siding to match the existing house and the existing oversized garage doors will be made smaller and more typical in size.
- Some trees in back of and along side of the garage will be removed as part of the project.

The Board discussed the projects proximity to wetlands. It was noted that because the footprint of the structure is not increasing no review from the Conservation Commission was required. However, the Board recommended that caution be exercised so as to prevent any impact on the wetland area.

The Board finds under Section 9.22, the following:

9.22 - The Special Permit Granting Authority authorized to act under the provisions of Section 3.3 of this bylaw may, under a Special Permit, allow a non-conforming use of a building, structure or land to be changed to a specified use not substantially different in character or in its effect on the neighborhood or on property in the vicinity. Said Authority may also authorize, under a Special Permit, a non-conforming use of a building, structure, or land to be extended, or a non-conforming building to be structurally altered, enlarged or reconstructed; provided that the Authority finds that such alteration, enlargement, or reconstruction shall not be substantially more detrimental to the neighborhood than the existing non-conforming use or non-conforming building. The Board finds that the proposal to add a second floor and increase the roof height on the garage is not substantially more detrimental to the neighborhood for the following reasons:

- The footprint is not increasing therefore the existing non-conforming setback is not being increased.
- The increased height of the roof will be mitigated by the change in roof line; which will reduce the visual impact.
- The proposal will greatly enhance the visual appearance of the building. The change from concrete block finish to blue composite clapboard, along with new windows and trim will greatly enhance the visual appearance of the building.

Specific Findings:

The Board found under Section 10.38 of the Zoning Bylaw, Specific Findings required of all Special Permits, that:

10.380 & 10.381 - The proposal is suitably located in the neighborhood in which it is proposed and/or the total Town, as deemed appropriate by the Special Permit Granting Authority; The proposal is compatible with existing Uses and other Uses permitted by right in the same District. The proposal creates a second dwelling unit on an owner occupied property in the R-N Zoning District. The Board finds that the proposal provides for the renovation and expansion of an existing detached garage to be accessory to an existing single family dwelling. Both uses are normal, expected, and allowed by right in the R-G Zoning District.

10.382, 10.383 & 10.385 - The proposal would not constitute a nuisance due to air and water pollution, flood, noise, odor, dust, vibration, lights, or visually offensive structures or site features; The proposal would not be a substantial inconvenience or hazard to abutters, vehicles or pedestrians; The proposal reasonably protects the adjoining premises against detrimental or offensive uses on the site, including air and water pollution, flood, noise, odor, dust, vibration, lights or visually offensive structures or site features. The proposal will not create any nuisances or inconveniences based on the fact that the garage is setback substantially from the road, the proposal will greatly enhance the aesthetics of the structure, and any exterior lighting associated with the structure will be downcast. The addition of flush mounted solar panels will not create any nuisance or impact on abutting property owners.

10.393 - The proposal provides protection of adjacent properties by minimizing the intrusion of lighting, including parking lot and exterior lighting, through use of cut-off luminaires, light shields, lowered height of light poles, screening, or similar solutions. A condition of this approval requires that any exterior lighting associated with the garage will be designed or arranged to be downcast.

10.398- The proposal is in harmony with the general purpose and intent of this Bylaw, and the goals of the Master Plan. The proposal provides for the renovation and expansion of an existing structure and may facilitate more sustainability through the installation of solar panels.

Zoning Board Decision

Mr. Beal MOVED to approve the application with conditions. Mr. Parent seconded the motion.

For all of the reasons stated above, the Board VOTED unanimously to grant a Special Permit, ZBA FY2015-00009, to structurally alter and enlarge a pre-existing non-conforming (as to rear yard setback) detached garage by adding a second floor, at 124 High Street (Map 11D, Parcel 124, R-G Zoning District), with conditions.

Eric Beal (se)
ERIC BEAL

Tom Ehrgood (se)
TOM EHRCOOD

MARK PARENT

FILED THIS 26th day of November, 2014 at 9:39 AM
in the office of the Amherst Town Clerk Jandra G. Bunker.
TWENTY-DAY APPEAL period expires, December 16, 2014.
NOTICE OF DECISION mailed this 26th day of November, 2014
to the attached list of addresses by Teddy R. Bunker, for the Board.
CERTIFICATE OF NO APPEAL issued this _____ day of _____, 2014.
NOTICE OF PERMIT or Variance filed this _____ day of _____, 2014,
in the Hampshire County Registry of Deeds.

Town of Amherst Abutter List

<i>Parcel ID</i>	<i>Parcel Address</i>	<i>Owner1</i>	<i>Owner2</i>	<i>Address</i>	<i>CityStZip</i>
11D-145	4 CLIFTON AVE	DENYSE, DIANA		4 CLIFTON AVE	Amherst, MA 01002
11D-146	8 CLIFTON AVE	ERIKSEN, TIMOTHY & MAGDALENA ZAPEDOWSKA		8 CLIFTON AVE	AMHERST, MA 01002
11D-279	GRAY ST	LEWIS, VIRGINIA		129 GRAY ST	Amherst, MA 01002
11D-115	97 GRAY ST	CHERNOFF, MICHAEL L & JAYMIE W		97 GRAY ST	AMHERST, MA 01002
11D-114	105 GRAY ST	LEIGHT, PETER W & BRUZELIUS, MARGARET		105 GRAY ST	AMHERST, MA 01002
11D-202	110 GRAY ST	GRYBKO, MICHAEL L & VALENTINE, RACHAEL L		110 GRAY ST	AMHERST, MA 01002
11D-203	126 GRAY ST	SHARICK, RAYMOND M & CAROL R		126 GRAY ST	Amherst, MA 01002
11D-113	129 GRAY ST	LEWIS, VIRGINIA		129 GRAY ST	AMHERST, MA 01002
11D-112	133 GRAY ST	CRAWFORD, PAMELA & MUSCAT, DONALD		133 GRAY ST	AMHERST, MA 01002
11D-204	136 GRAY ST	KAYAK, LLC		143 GRAY ST	Amherst, MA 01002
11D-213	139 GRAY ST	FENSKE, JOHN & CORBIERE, MARIE		139 GRAY ST	AMHERST, MA 01002
11D-212	143 GRAY ST	AUERBACH, SCOTT M & SARAH W		143 GRAY ST	AMHERST, MA 01002
11D-205	144 GRAY ST	FITZ GIBBON, DEMOND & CORSON, CATHERINE		144 GRAY ST	AMHERST, MA 01002
11D-199	155 GRAY ST	STANNE, ANTHONY J & C ALICE		155 GRAY ST	AMHERST, MA 01002

<i>Parcel ID</i>	<i>Parcel Address</i>	<i>Owner1</i>	<i>Owner2</i>	<i>Address</i>	<i>CityStZip</i>
11D-138	HARVARD AVE	GROSS, MEIR		16 HARVARD AVE	AMHERST, MA 01002
11D-139	7 HARVARD AVE	TRIPP, TODD M & WAITE, SUSAN M		7 HARVARD AVE	AMHERST, MA 01002
11D-153	19 HARVARD AVE	DOWD, KIMBERLY A	C/O EAGLE CREST PROPERTY MNGMT	55 NORTH PLEASANT ST	AMHERST, MA 01002
11D-120	92-94 HIGH ST	RBABB REALTY LLC		37 COLES MEADOW RD	NORTHAMPTON, MA 01060
11D-121	100 HIGH ST	SCHREIBER, STEPHEN & THURBER, JANE C		100 HIGH ST	AMHERST, MA 01002
11D-144	101-103 HIGH ST	WEYL, NINA		103 HIGH ST	AMHERST, MA 01002
11D-122	108 HIGH ST	REMENSNYDER, STUART & LAURENCELL, NICOLE		108 HIGH ST	AMHERST, MA 01002
11D-143	109 HIGH ST	TARR, GARY & LYSTER, CARLIE C	C/O CARLIE & GARY TARTAKOV	109 HIGH ST	AMHERST, MA 01002
11D-142	115 HIGH ST	DICKINSON, CHARLES & ELLEN S		115 HIGH ST	AMHERST, MA 01002
11D-123	116 HIGH ST	EDDINGS, BARBARA M LIFE ESTATE	C/O LEUTZ, SIMON C & KRISTIN B	70 EAMES AVE	AMHERST, MA 01002
11D-141	119 HIGH ST	POPE, CAROL C		119 HIGH ST	AMHERST, MA 01002
11D-124	124 HIGH ST	TULENKO-CATLIN, ANDREA E & JEFFREY D		124 HIGH ST	AMHERST, MA 01002
11D-140	129 HIGH ST	PREMILA NAIR		129 HIGH ST	AMHERST, MA 01002
11D-125	132 HIGH ST	MOLL, ROBERT N	FOLSOM, RACHELA	132 HIGH ST	AMHERST, MA 01002
11D-126	142 HIGH ST	SINGAPURI, DADE	COHEN, ALVIN PHILIP	142 HIGH ST	AMHERST, MA 01002

<i>Parcel_ID</i>	<i>Parcel_Address</i>	<i>Owner1</i>	<i>Owner2</i>	<i>Address</i>	<i>CityStZip</i>
11D-137	143 HIGH ST	AUGUSTINE, ANN T		143 HIGH ST	AMHERST, MA 01002
11D-127	148 HIGH ST	FALSETTI YU, MOLLY		148 HIGH ST	Amherst, MA 01002
11D-136	149 HIGH ST	ROEPER, THOMAS	HOLLAND, LAURA J	149 HIGH ST	AMHERST, MA 01002
11D-149	106 NORTH WHITNEY ST	WALKER, MARIAN N & HARRIS, STEPHEN J		106 NORTH WHITNEY ST	AMHERST, MA 01002
11D-150	112-114 NORTH WHITNEY ST	WALDRON FAMILY TRUST	C/O KENDRICK PROP MINGMT	1185 NORTH PLEASANT ST	AMHERST, MA 01002
11D-151	118 NORTH WHITNEY ST	CLEVINGER, DAVID & CLEVINGER, PAUL		118 NORTH WHITNEY ST	AMHERST, MA 01002
11D-152	124 NORTH WHITNEY ST	LA COUR, NIELS PIERRE & SARAH COLLINS		124 NORTH WHITNEY ST	AMHERST, MA 01002

THE COMMONWEALTH OF MASSACHUSETTS
AMHERST

City or Town
NOTICE OF SPECIAL PERMIT
Special Permit
(General Laws Chapter 40A)

Notice is hereby given that a Special Permit has been granted

To Andrea Tulenko & Jeffrey Catlin

Address 124 High Street

City or Town Amherst, MA 01002

Identify Land Affected: 124 High Street
(Map 11D, Parcel 124, R-G Zoning District)

By the **Town of Amherst Zoning Board of Appeals** affecting the rights of the owner
with respect to the use of the premises on

124 High Street Amherst
Street City or Town

The record of title standing in the name of
Andrea Tulenko & Jeffrey Catlin
Name of Owner

Whose address is 124 High Street Amherst MA 01002
Street City or Town State Zip Code

By a deed duly recorded in the
Hampshire County Registry of Deeds: Book 3688 Page 273
or

Hampshire Registry District of the Land Court, Certificate No. _____,
Book _____, Page _____

The decision of said Board is on file, with the papers, in ZBA FY2015-00009
In the office of the Town Clerk Sandra J. Burgess

Certified this _____ day of _____

Board of Appeals:

Eric Beal Chairman
(Board of Appeals)
[Signature] Clerk
(Board of Appeals)

_____ at _____ o'clock and _____ minutes _____ m.
Received and entered with the Register of Deeds in the County of Hampshire
Book _____ Page _____

ATTEST _____
Register of Deeds
Notice to be recorded by Land Owner

**BOARD OF APPEALS
AMHERST, MASSACHUSETTS
RECORD OF APPEALS AND DECISION RENDERED**

Petition of Andrea Tulenko & Jeffrey Catlin,

For A Special Permit to structurally alter and enlarge a pre-existing non-conforming (as to rear yard setback) detached garage by adding a second floor.

On the premises of 124 High Street

At or on Map 11D, Parcel 124, R-G Zoning District

NOTICE of hearing as follows mailed (date) July 23, 2014
to attached list of addresses and published in the Daily Hampshire Gazette
dated August 27, 2014 and September 3, 2014

Hearing date and place September 11, 2014 (Town Hall)

LEGAL NOTICE
The Amherst Zoning Board of Appeals will meet on ***Thursday, September 11, 2014*, at 6:30 P.M.** in the **Town Room, Town Hall,** to conduct the following business:
PUBLIC HEARING:
ZBA FY2015-00009 - Andrea Tulenko & Jeffrey Catlin - For a Special Permit to structurally alter and enlarge a pre-existing non-conforming (as to rear yard setback) detached garage by adding a second floor, at 124 High Street (Map 11D, Parcel 124, R-G Zoning District)
ZBA FY2015-00010 - Ryan Korb - To appeal a Notice of Violation dated July 16, 2014, that the dwelling is occupied by more than four unrelated individuals, under Section 10.2 of the Zoning Bylaw, at 110 Logtown Road (Map 18D, Parcel 83, R-44 Zoning District)
**ERIC BEAL, CHAIR
AMHERST ZONING
BOARD OF APPEALS**
**August 27,
September 3**
3305311

SITTING BOARD and VOTE TAKEN:

To grant a Special Permit, ZBA FY2015-00009, to structurally alter and enlarge a pre-existing non-conforming (as to rear yard setback) detached garage by adding a second floor, at 124 High Street (Map 11D, Parcel 124, R-G Zoning District), subject to conditions.

Mark Parent - Yes Carolyn Holstein - Yes Pari Riahi - Yes

DECISION: APPROVED with conditions